

**§ 174j-7. Superseding of prior provisions for maintenance and operation of Senate Restaurants**

Sections 174j-1 to 174j-7 of this title shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however*, That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration.

(Pub. L. 87-82, §7, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1f, 174j-3, 174j-4, 174j-9 of this title; title 5 section 5533.

**§ 174j-8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave**

On and after July 9, 1971, appropriations for the "Senate Office Buildings" shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapter III and IV of chapter 53 of title 5, and shall thereafter be adjusted in accordance with section 5306 of title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 138; Pub. L. 94-59, title V, July 25, 1975, 89 Stat. 289; Pub. L. 101-509, title V, §529 [title I, §101(b)(5)], Nov. 5, 1990, 104 Stat. 1427, 1440.)

AMENDMENTS

1990—Pub. L. 101-509 substituted "5306" for "5307".

1975—Pub. L. 94-59 inserted references to compensation of Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174j-9 of this title.

**§ 174j-9. Loans for Senate Restaurants**

**(a) Borrowing authority**

Subject to the approval of the Senate Committee on Rules and Administration, the Architect

of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", such amount as he may determine necessary to carry out the provisions of the joint resolution entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, as amended (40 U.S.C. 174j-1 through 174j-8),<sup>1</sup> and resolutions of the Senate amendatory thereof or supplementary thereto.

**(b) Amount and period of loan; voucher**

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

**(c) Deposit, credit, and future availability of proceeds from repayment**

All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for "Miscellaneous Items", shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

(Pub. L. 98-396, title I, Aug. 22, 1984, 98 Stat. 1395.)

REFERENCES IN TEXT

"Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", approved July 6, 1961, referred to in subsec. (a), is Pub. L. 87-82, July 6, 1961, 75 Stat. 199, which enacted sections 174j-1 to 174j-7 of this title. Section 174j-2 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

**§ 174k. House of Representatives restaurant, cafeteria, and food services**

**(a) Management and duties**

Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Administration; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress).

<sup>1</sup> See References in Text note below.

**(b) Transfer of accounts, records, supplies, equipment, and assets**

The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Administration directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Administration.

**(c) Special deposit account**

All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Administration may designate.

**(d) Effective date**

The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 133.)

REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsecs. (a) and (c), is section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was formerly classified to this section and is now set out below in a Prior Provisions note.

The first day of the first calendar month beginning after the date of adoption of this resolution, referred to in subsec. (d), is April 1, 1971.

CODIFICATION

Section is based on section 2 of House Resolution No. 317, Ninety-second Congress, Mar. 25, 1971, which was enacted into permanent law by Pub. L. 92-51.

PRIOR PROVISIONS

A prior section 174k, act Oct. 9, 1940, ch. 780, title II, § 208, 54 Stat. 1056, which was classified to this section prior to its supersession by Pub. L. 92-51, § 101, July 9, 1971, 85 Stat. 133. Section 208 of act Oct. 9, 1940, read as follows:

“(a) The Architect of the Capitol is authorized and directed to carry into effect for the House of Representatives, and to exercise the authorities contained in, the Resolution of the House of Representatives numbered 590, adopted September 5, 1940, and any other resolution of such House amendatory thereof or supplementary thereto hereafter adopted. Such authority and direction shall continue until the House of Representatives shall by resolution otherwise order.

“(b) There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the House of Representatives Restaurant, into which shall be deposited all sums received pursuant to such resolution or resolutions and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under such resolution or resolutions and the operations thereunder. Any appropriation hereafter made from the Treasury of the United States for such restaurant shall be a part of the appropriation ‘Contingent Expenses,

House of Representatives, Miscellaneous Items’, for the particular fiscal year involved and each such part shall be paid to the Architect of the Capitol by the Clerk of the House of Representatives in such sum as such appropriation or appropriations shall hereafter specify and shall be deposited by such Architect in full in such special deposit account.

“(c) Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the government.

“(d) The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under subsection (c) of this section shall each give bond in the sum of \$5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.”

The Resolution of the House of Representatives numbered 590, adopted September 5, 1940, referred to in subsec. (a) of section 208 set out above, read as follows: “That effective October 1, 1940, until otherwise ordered by the House, the management of the House Restaurant and all matters connected therewith shall be under the direction of the Architect of the United States Capitol under such rules and regulations as he may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurant by such business methods as may produce the best results consistent with economical and modern management.

“SEC. 2. The Committee on Account after the close of business September 30, 1940, is hereby authorized and directed to transfer to the jurisdiction of the Architect of the United States Capitol all accounts, records, supplies, equipment, and assets of the House Restaurant that may be in the possession or under the control of the said committee in order that all such items may be available to the Architect of the United States Capitol toward maintenance and operation of the House of Representatives Restaurant.”

House Resolution 186, agreed to April 24, 1941, authorized the establishment of a branch of the House Restaurant in the New House Office Building.

CHANGE OF NAME

Committee on House Administration of House of Representatives changed to Committee on House Oversight of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

TRANSFER OF FOOD SERVICE OPERATIONS; ELECTION BY CERTAIN AFFECTED EMPLOYEES; DISABILITY AND RETIREMENT BENEFITS; PROMULGATION OF REGULATIONS

Pub. L. 99-500, § 111, Oct. 18, 1986, 100 Stat. 1783-348, and Pub. L. 99-591, § 111, Oct. 30, 1986, 100 Stat. 3341-348, provided that:

“(a) Any individual who—

“(1) on the day before the date on which food services operations for the House of Representatives are transferred by contract to a corporation or other person—

“(A) is a congressional employee (as defined in section 2107 of title 5, United States Code), other than an employee of the Architect of the Capitol, engaged in providing such food services under the administrative control of the Architect of the Capitol; and

“(B) is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

“(2) as a result of such contract, ceases to be an employee described in paragraph (1); and

“(3) becomes employed to provide such food services under contract, including a successor contract;

may, for purposes of the provisions of law specified in subsection (b), elect to be treated, for so long as such individual continues to be employed (without a break in service) as described in paragraph (3), as if such individual had not ceased to be an employee described in paragraph (1). Such election shall be made on or before the day referred to in paragraph (1) and shall be available only to an individual whose transition from the employment described in paragraph (1) to the employment described in paragraph (3) takes place without a break in service.

“(b) The provisions of law referred to in subsection (a) are—

“(1) subchapter III of chapter 83 of title 5, United States Code (including section 8339(m) of such title (which shall be applied, when an employee retires on an immediate annuity or dies, as if the employment at the time of retirement or death were under a formal leave system), with respect to unused sick leave to the credit of an employee on the day referred to in subsection (a)(1));

“(2) chapter 84 of title 5, United States Code; and

“(3) title III of the Federal Employees’ Retirement System Act of 1986 [sections 301 to 312 of Pub. L. 99-335, see Tables for classification].

“(c)(1) At the earliest practicable opportunity, the Director of the Office of Personnel Management shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Office, including regulations under which—

“(A) an individual who makes an election under subsection (a) shall pay into the Civil Service Retirement and Disability Fund any employee contributions which would be required if such individual were a Congressional employee; and

“(B) the employer furnishing food services under a contract referred to in subsection (a) shall pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions which would be required if the individual were a Congressional employee.

“(2) At the earliest practicable opportunity, the Executive Director of the Federal Retirement Thrift Investment Board shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Board.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b-1f of this title; title 5 section 5533.

### § 175. House Office Building; control, supervision, and care

The House of Representatives Office Building, which shall hereafter be designated as the House Office Building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in

connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building.

(Mar. 4, 1907, ch. 2918, 34 Stat. 1365; May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

#### CODIFICATION

Section is based on act Mar. 4, 1907, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1908” appropriating for the maintenance of such Building.

#### CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

#### ACQUISITION OF SITE

Act Mar. 3, 1903, ch. 1007, 32 Stat. 1113, authorized acquisition of a site for and the construction of the House Office Building, and appointment of a Commission to supervise its construction.

Joint Resolution May 28, 1908, provided that it should be designated the House Office Building.

#### DESIGNATION OF HOUSE OFFICE BUILDINGS

House Resolution No. 402, One Hundred First Congress, Sept. 10, 1990, provided that:

#### “SECTION 1. DESIGNATIONS.

“(a) THOMAS P. O’NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the ‘Thomas P. O’Neill, Jr. House of Representatives Office Building’.

“(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the ‘Gerald R. Ford House of Representatives Office Building’.

#### “SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

#### “SEC. 3. STATUES.

“The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

“(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

“(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.”

#### ADDITIONAL HOUSE OFFICE BUILDING

Pub. L. 98-367, title I, July 17, 1984, 98 Stat. 483, provided in part: “That notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other